

Remarks

The non-final Office Action dated March 19, 2009 listed the following new grounds of rejection: claims 1-3 and 5-16 stand rejected under 35 U.S.C. § 102(e) over Hunter (U.S. Patent No. 7,071,978), or in the alternative, under 35 U.S.C. § 103(a); and claim 4 stands rejected under 35 U.S.C. § 103(a) over the '978 reference in view of Pollard (U.S. Patent No. 7,082,218). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant respectfully traverses the § 102(e) and § 103(a) rejections because the cited Hunter reference either alone or in combination with the Pollard reference lacks correspondence. For example, neither of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including, *e.g.*, aspects of the claimed invention directed to applying a gain factor to one of the signal components of an incident color channel, the gain being based on the incident color channel's contribution to total luminescence of a display. Because neither reference teaches these aspects, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. As such, the rejections fail.

More specifically, the '978 reference does not teach that the sharpening gain that is applied to high frequency image 30 is based upon an incident color channel's contribution to total luminescence of a display, as claimed. Instead, the '978 reference teaches applying an overall gain to all elements in the high frequency image or applying non-linear sharpening by way of a loop up table applied to the elements of the high frequency image, without teaching that sharpening gain is related in any way to an incident color channel's contribution to total luminescence of a display and without even mention the luminescence of a display. *See e.g.*, Col. 7:10-15. With regard to the Examiner's assertions that the gain applied by the '978 reference is somehow related to luminescence (*see* paragraph 2 on page 3 of the Office Action), these assertions are entirely unsupported by the relied upon portion of the '978 reference (*i.e.*, Col. 7:10-15), which does not even mention luminescence.

Moreover, Applicant submits that the '978 reference teaches away from the sharpening gain that is applied to high frequency image 30 being based upon an incident

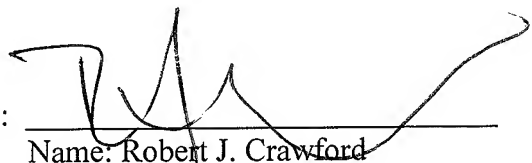
color channel's contribution to total luminescence of a display. Consistent with the recent Supreme Court decision, M.P.E.P. § 2143.01 explains the long-standing principle that a § 103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main ('978) reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious."). In this instance, the '978 reference teaches that the high frequency image 30 is a combination of three achromatic high frequency images that are generated from each of the three colour values 16, 17 and 18, with the resulting image 30 being a high frequency version of the original RGB image (*i.e.*, the image 30 includes signal components of three incident color channels 16, 17 and 18). As such, the '978 reference teaches away from applying gain to image 30 based on only one of three colour value's contribution to total luminescence of a display because the image 30 includes signal components of all three colour values 16, 17 and 18.

In view of the above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, David Cordeiro, of NXP Corporation at (408) 474-9068.

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